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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,474	11/29/2001	Oscar A. Chappel	92717-322USPT	7788
7590 Gary B. Solomon Jenkins & Gilchrist, P.C. 3200 Fountain Place 1445 Ross Avenue Dallas, TX 75202-2799		03/22/2007	EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		03/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/998,474

Applicant(s)

CHAPPEL ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22, 29-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413).
- Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2006 has been entered. Claims 1-22, 29-37 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-10, 29-30, 32-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view Wright (US patent No. 6,581,040).

As per claims 1, 4-6, 29, 32-35, Helzerman discloses a method for developing and performing projects. In so doing, Helzerman discloses receiving the change proposal directed toward the project, the change proposal requesting at least one amendment to be performed to the project (receiving the project proposals, col. 4, lines 49-64), identifying, based on the at least one

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amendment request, at least one artifact of the project to be potentially affected upon the change proposal being adopted (col. 4, line 65 through col. 5, line 40), and generating at least one metric indicative of the potential effects on the project based on said identifying the at least one artifact (See Fig. 8, and col. 12, lines 59-66), the at least one metric providing an objective risk assessment to the client (col. 8, lines 11-28, and line 56-62).

Helzerman does not explicitly disclose the project being developed by the service provider such a contractor or a contractor. Wright in the same filed of endeavor discloses the concept of a project being developed by a service provider such as a contractor (col. 3, lines 57-64; col. 5, lines 1-16). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman to incorporate a project being developed by a service provider as evidenced by Wright with the motivation to manage and monitoring construction project communications.

Applicant has amended the claims to recite *...from the client by the service provider...during a life cycle of the project...and for allowing the service provider and the client to assess both indirect and direct risk before the at least one change proposal is adopted and to objectively make an informed business decision as to whether or not to adopt the at least one change proposal. However, there are always changes and amendments in a project during the life time of the project, and those changes always affect risks, costs or prices, etc., and these changes and amendment will bring into account new terms and conditions. The decision on these terms and conditions must be made by both the client and the service provider. Therefor, it would have been obvious to a person of ordinary skill in the art at the tiem the invention was made to modify the disclosures of Helzerman and Wright to allow a client to make desired*

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changes as noted above, thereby providing client satisfaction and more income to the service provider.

As per claims 2 and 30, Helzerman further discloses wherein the at least one metric includes a statistical value (col. 9, lines 57-64).

Regarding claims 7-8, 36-37 the claimed features are standard practice of in project development and management. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include such features into Helzerman and Wright in order to allow for the timely and proper development and implementation of the project.

Claim 9 is a system for assessing risk on a project associated with a change proposal directed toward the project, the project being developed by a service provider for a client, said system comprising means for performing the steps of claim 1; therefore claim 9 is rejected under the same analysis relied upon of claim 1.

Claim 10 is a computer-readable medium having stored thereon sequences of instructions, the sequences of instructions, when executed by a processor, causes the processor to perform the steps of claim 1; therefore claim 10 is rejected under the same analysis relied upon of claim 1.

4. Claims 3 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helzerman (U.S. Patent No. 6, 901,372) in view Wright (US patent No. 6,581,040) and further in view of Ali et al (The Production of Accurate Construction Cost Estimates in Saudi Arabia)

As per claims 3, and 31 the combination of Helzerman and Wright fails to explicitly disclose wherein said generating includes performing a regression analysis. Ali et al in the same field of endeavor disclose the concept of performing a regression analysis in project management

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environment. Note Pages 2 and 3 of Ali et al. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Helzerman, Wright to include the teachings of Ali et al in order to estimate the total project cost from multiple parameters.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

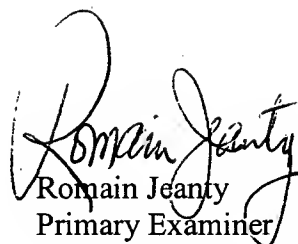
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571) 272-1000.

RJ

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A handwritten signature in black ink, appearing to read "Romain Jeanty". The signature is stylized with a large, looping initial "R" and a cursive "Jeanty".

Romain Jeanty
Primary Examiner
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March 19, 2007